Dear Jim, 10/6/74

It was a trying day. Hours longer for me than for you but taxing on both. However, this is the crucible of decision and the time for the most basic decision is this instant.

a.m. 9/7 At this point Herbert McDonnell phoned. I am impressed by him. I'll get back to this and to a tape I made with his assent so you and Bud could hear it. In short, I was right on the meaning of the evidence. And its capability.

I am well aware that when people try to work out disagreement it charges emotions. I have, of course, been feeling this for years. It is when I felt that the pressure might be getting too great for you that , as you should recall, I stopped asking about ~~things~~ changes you were making or even looking at them. (Nor have I checked the original after reading the retyped affidavit to see what these changes are. Nor will I.) When a decision is made, regardless of how it is made we must regard that as past or we'll spin wheels forever. However, especially in a case like this one, it is necessary to explore all that should be explored and this does, inveitable, involve different approaches and understandings. When lawyers do not do this their clients and their causes suffer. It is a form of devil's advocacy and I do hope you can adapt to it. It really is necessary unless one works entirely alone, with all the liability that entails.

With Dick and Bill around I did not want to make another point in my setting forth the reasons for utmost speed. You may understand it without reminder, but if you do not then let me be explicit. We do have the primary obligation to Ray. After that to ourselves. He'd be the first to say that doesn't care a bit how he gets out just so he does. And I am satisfied that the formula I presented can, if the new Memphis Establishment can consider it before it constructs a new frame-up, appeal to it as serving its best interest, which I am persuaded it does. This would hold advantages for everyone and although you do not show signs of ever thinking selfishly, it would be a fantastic coup for you. If they care? Man what a deal!

Were I able to be there I'm confident that the message could somehow get through and that to do this it would be possible to bypass the front-men. But I'm not.

Assuming they get the message, which they should, their decision will be based upon their intelligence, how they see the situation and the quintessential factor, the timing. The later they confront the certain future the less the chance of their not having made their own and different preparations for it. I have learned this over and over. So, it really is essential, whatever the sacrifice, to hit them hard and fast, as hard as possible and as fast as possible. I would add to this with second and third punches, to keep them defending. THIS IS VITAL against the more powerful and I do hope you come to understand it.

Anyway, this unmentioned consideration is danger. You and I, personally, are now in the greatest danger we have been. One alternative is getting rid of Ray. Another is getting rid of us. Otherwise, there is going to be an expose in Memphis, one way or another, the likes of which there has never been and has not been in any assassination case. Now despite this danger it was necessary to get through to Haile. As you are aware, I have been doing this my way for a long time, awaiting what I regarded as the right moment. And never defending. You understand some of the psywar of the last week. So, when there is this real and present physical danger against which there also is no physical defense, swiftness becomes even more urgent because the faster one hit them with the case the better the chance of aborting any nasty alternative decisions.

If you do not so comprehend it, please accept my word that for some of these people wrong is what is right and they believe it. You will never have the kinds of conteations with them that I have because of the differences in our personalities and methods. But if you had been through a sieve ~~as~~ I have with Lloyd Rhodes you'd know him for what he is, a man of genuine evil, capable of almost anything. And he is a minor figure, relatively. Coping with situations and people like these requires what is not taught in law school

and is foreign to its practise. Monster that Henry Haile is, he is good compared to the Rhodesens. Yet these are a different set to whom we present jeopardy. Or, we are well-supplied with enemies who have a capability for behaving like movie enemies.

Now, on the ballistics; he has an alternative for us, Stanton O. Berg, an independent expert, 6025 Gardens Lane, NE, Minneapolis, Minn 55432. 612/788-7132. RcD is very busy but he will find the time if we need and want him and I think he should be our choice, with the alternative that he also use Berg, something we had not considered. I urge it.

My opinion of the possibilities this evidence would hold and after viewing it my conviction seems to be without exaggeration. The extent of surafce we have is more than twice the minimum necessary. If we get the pictures - and I think they are necessary as evidence and as pressure - he can give a rough opinion. He is unaware of the local facilities available. I think that pre-trial we should pull what will be regarded as a stunt and isn't, have them deliver with their own guard the piece of stuff to his lab, with the test firings already made. They'll fight and it will help. If we get to that point, as I am inclined to think we will not.

But a motion for pictures as I described should be a top priority. He accepted my minimum as adequate, taken from each end, at right angles, and four equally-spaced at right angles to the length of the bullet, to show the markings made by the barrel. It is not probable that these do not exist already or that they will acknowledge the existence but I'd try to accomodate this in the motion. Or, ask their police lab and photogs to make specimen photographs. You might want to consider some form of a strong allegation, that the evidence could not have been fired from the evidence rifle. I'm not against it and could be for it, depending on the formulation. I think if done right it also becomes a form of extreme pressure on the Memphis establishment and of insurance for the three of us. And this gogg address effectiveness of counsel, as Bob's opinion confirms, if you'd accept him as an expert on this. It has been my opinion from the first, so I asked him.

I agree with the Battle compromise but believe firmly that this also must be done very fast. I'd even mail each one separately if kmy it will be more than an hour or two before the second would be done. Let them feel pressure. The bigger and the more specific the load we dump on them the more desperate they will be as their fears are confirmed and the faster we do it the less likely will violent and unreasonable reaction be. This is what I meant I had to have visible to them a formula that would give them an out. Not just push them into a corner. But it is now urgently necessary that we keep the heat on them. I consider it not impossible that they will concede rather than face a public trial with all the exposure that means. We have now given them, or will in today's mail, confirmation of what the bastards knew all along only combined with what should be a certainty that we'll prove it. My lecture to Haile through you and how Carlisle read me are the more visible clues. I think taking Stanton as only ill-mannered would be wrong. He is worried. And for Bubba, he was desparate when I pumped him on Battle. He'll let it be known, so give it to Haile and the judge. I wanted you to take my draft on this because I am not willing to assume that either took the time to do more than inventory. All the judge really did is repeat the inventory Bubba gave him. So, don't assume that either thought this through. The way to take no chances is with specifics. And probably a private letter is the best way. But a straight one, telling it straight out.

Not priority but worthwhile if learning the specialties of FBI Lab Agents Tom Peyton, Donn Dunphy and Brunt x Hughes, in Cabale's of 2/12/69.

Don't be afraid to acknowledge being afraid. Of making decisions, of the decision, of inexperience, of our situation and of danger. Not to be afraid is irrational. The real problem is not letting fear dominate decisions and actions. Be confident. This is going to go well. The questions are how well and how fast and how safely. To now you have done remarkably well. Don't get too uptight and you'll continue to. And I would dearly love a fait accompli to await the traveller on his return, its least important value bit a very important one for you personally. Best,